2. Opening Roads, etc , to all non-caste Hindus.

Mr. E. Ikkanda Warriar—The resolution standing in my name runs thus:—"*This Council recommends to the Government to throw open all the roads, schools, wells and tanks maintained or subsidised by the Government and accessible to the so-called caste Hindus to all the so-called non-caste Hindus*". Sir, this resolution is intended to lift the ban from a large section of His Highness' subjects, denying them access to roads, schools, wells and tanks. I had to restrict the scope of my resolution to the above, not because that I do not want to give the so-called depressed classes all the rights which a caste-Hindu enjoys but because of the restrictions or the limitations placed on my powers by the Legislative Council Regulation. In fact my original resolution contained the word "temple" also. But unfortunately the President ruled it out and I had to send up this resolution in this mutilated form.

Sir, let us first see the number of people whom it will affect. From one of the answers to to-day's questions, I find that out of a population of 12 and odd lakhs in the Cochin State, about 7 lakhs and 80 thousand are Hindus. I made a rough calculation and I find that out of this 7 lakhs and 80 thousand about 2 lakhs and 40 thousand are Caste-Hindus and 5 lakhs 40 thousand non-caste Hindus. Of these non-caste Hindus about 3 lakhs 40 thousand are the so-called unapproachables as distnict from the untouchables and I think a few hundreds unseeables. So we find that out of the total population, 65% form Hindus and about 70% of the Hindus form the untouchables, including the unapproachables and the invisibles. What is the condition of these people? I think it is better that we know what it really is. I shall not attempt to do it in my own language. I shall read a small passage from one of the statements issued by Mahatma Gandhi where he describes their condition very lucidly and tersely.

"It is well to remind ourselves of what wrongs we have heaped upon the devoted heads of the Harijans. Socially, they are lepers. Economically, they are worse than slaves. Religiously, they are denied entrance to the places we miscall houses of God. They are denied the use, on the same terms as the caste-men, of public roads, public schools, public hospitals, public wells, public taps, public parks and the like". Of course there are some differences here ,I admit. In some cases their approach within a measured distance is a social crime and in some other rare enough cases, their very sight is an offence. They are relegated, for their residence, to the worst quarters of cities or villages, where they practically get no social services. Caste-Hindu Lawyers and Doctors will not serve them as they do other members of the society. Brahmins will not officiate at their religious functions. The wonder is

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that they are, at all, able to eke out an existence, or that they still remain within the Hindu fold. They are too down-trodden to rise in revolt against their suppressors."

This is the exact condition of a large section of His Highness' subjects and you will find a great movement is going on, the great anti-untouchability movement, throughout India including our State. The object of these movements is to do away with all these inequalities and differences, to bring about a change of heart among the caste-Hindus towards their depressed brethren and to take such steps as are necessary for the complete removal of their social and religious disabilities.

I do not want to make a long speech on this subject, since it is discussed thread-bare in all the papers for the last two months. I thought that no speech is necessary at all. But when I think of the fate of the resolution that was moved yesterday and the speeches made by some of the Hon'ble Members in opposing that resolution, I think it better to anticipate one or two objections and answer them. I was very much pained to see even the Hon'ble Lady Member who is so very sympathetic towards these people and who devotes the major portion of her time, if not the whole of it, for the elevation of at least a few of the untouchables, even she, a most philanthropic lady, herself objecting a resolution aimed at the amelioration of their condition. One of the points raised by the so-called orthodox Hindus is that these Harijans are a dirty lot. "How can we allow them to come and mingle with us? They must wait until they become clean". This is also the point raised by the Lady Member. I shall answer this point in the words of Mahatma Gandhi who, in answer to some of the correspondents, wrote: "A correspondent in spite of having received liberal education, suggest that, before the Harijans are put on level with caste-Hindus, they should become fit for such a reception, shed their dirty habits and give up eating carrion. Another goes on to the length of saying that those who are Bhangis and Chamars who are engaged in what he considers are dirty occupations should give them up. These critics forget that the caste men are responsible for whatever bad habits are to be observed amongst the Harijans. The so-called higher castes have deprived them of fecilities for keeping themselves clean, and also the incentive for doing so.

"As for the occupations of scavenging and tanning they are no more dirty than many other occupations I can name. What may be admitted is that these occupations like several others are carried on in a dirty manner. That again is due to the high-handed indifference and criminal neglect of the so-called higher castes."

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From this we find that those people are not the people who are really to be blamed. It is the caste-Hindus who are really to be blamed. They probably did it with a set purpose at a time when these people were unmindful of their self-respect. But now the times have changed. A feeling of self respect has dawned into their minds. The feeling of humanity has also got possession of many of the so-called high caste-Hindus. I think there is yet time for us to do penance and get these people back into our fold.

I shall next answer another point. "Why should Government interfere in matters like these?" I think this was the objection raised by the Member for Vadakkancheri. One of the Hon'ble Members raised that point. I don't remember who exactly it is. I am sorry if it is not that gentleman. I have only to tell them that the duty of the Government does not rest in preserving the rights of a certain section of the people. They have equally a duty towards the other especially when that forms the larger, the voiceless and the helpless one. Was it not the act of a Government that abolished the system of Sathee in India? Why did the Government interfere? When the times change, the Government have also to change. There is a great awakening in the public mind and the Government must help them in this matter.

Mr. A. Eachara Menon.—Has not Mr. Gandhi said that temple-entry lay with the people and not the Government.

Mr. E. Ikkanda Warriar—Yes, to a certain extent it lies with the people also. But that does not mean that the Government has nothing to do in the matter. Did not the Government of Baroda, Kashmir and Sandur do it? Did not they open their temples to the so-called depressed classes?

Mr. P. Krishna Menon.—Are the conditions similar in Malabar?

Mr. E. Ikkanda Warriar.—What is the difference after all between man and man? Human nature is the same in Baroda and Malabar. The custom that is prevailing here may be of longer duration or of greater hardship. There is no other difference except that we are more cruel in tyrannising over these people.

Deputy President.—Your time is up.

Mr. E. Ikkanda Warriar.—Since my time is up I shall deal with the subject after hearing the Hon'ble Members. But one word more. I request the Government to consider what attitude they should take in the matter. May I remind them of the Hon'ble attitude of the Legislative Council of Madras? If they cannot help us, I appeal to them to remain neutral in this matter and understand to appreciate the real non-official opinion

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in this matter and act accordingly. With these few words e commend the resolution for the unanimous acceptance of thI House.

Dr. A. R. Menon.—I rise to second this resolution.

Mr. M. A. Chakko.—I rise on a point of information· Here temple entry or the word temple is prohibited. The resolution reads thus:—" This Council recommends to the Government to throw open all the roads, schools, wells and tanks maintained or subsidised by the Government and accessible to the so-called caste-Hindus to all the so-called non-caste Hindus." Here the so-called caste-Hindus and the so-called non-caste Hindus, these two divisions do not exhaust all subjects of the State.

Dr. A. R. Menon.—There is an amendment of Mr. Ayyappan.

Mr. M. A. Chakko.—If they will do away with the word " Hindu ", we will speak and support.

Dr. A. R. Menon.—Sir, this question has been discussed, as the Hon'ble mover observed, many a time in this House and it may be asked very pertinently why this question should be re-opened again. Sir, there is no other question that has produced such profound impression upon the people of this great land, this wide land, no question which has influenced more profoundly the imagination of the people living in this sub-continent than this question of questions, the question of untouchability and unapproachability. The underlying principle here is not that a tank is precious or that a man should bathe in the same tank used by others, but the underlying principle in this resolution is that measures and methods should be adopted, and adopted at the earliest possible moment. to do away with this accursed custom called untouchability, unapproachability and unvisibility, if you can coin a word like that. And we think the best way of doing it is to remove all such inequalities which differentiate man from man; and among these things for which Government themselves can render some help, come the opening of roads, tanks, etc.

If you allow all the roads to be used by everyone alike, if you throw open wells and tanks to all in the same way, the question of untouchability will be solved forthwith. It may be asked why we are so very anxious about this particular question while equally important and burning questions are agitating the mind of the people here and elsewhere. It is because we consider that all those questions are based upon this one fundamental principle, namely, the abolition of untouchability and unapproachability.

This question has moved us so profoundly, namely, this issue which is of deeper significance, greater importance and

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which produces deeper impression upon our people in this land which is noted for producing great men, men of thought, men of action, great thinkers, and which has not ceased to produce great men even now, and the greatest among them, stung by the feeling, has even gone to the length of threatening to starve himself out to solve this question. I quite understand and quite appreciate those who hold the view that it is based upon pure conviction that tanks and roads should not be opened to others. Then what about the conviction of those who are willing to sacrifice themselves, those who are willing to die for others. You cannot say that their conviction does not count with yours. You cannot say that you take only the opinion of those who are passing away from this world and not of those who are coming up. The generation that is passing away has no business to stand in the way of the generation that is coming up. It is unjust. It is improper. It is selfish. The duty of the present generation is to render the path smoother for the coming generation. But what do we notice? We notice the passing generation, while counting the number of days when they will reach the brink of the grave, are concerting measures to see that this wretched condition existing in this most deplorable and unhappy country should continue for ever and ever. Is there any justification on the part of the Government only to give their moral support to those reactionaries, to those people who pretend to think without thinking and who misquote Sastras and scriptures? Questions have been asked by great people well versed in Sastras and there is no finality in these discussions. We will grant that Sastras proclaim both. Nobody can say anything definite about the Sastras. Why should the Government support only those reactionaries who stand in the way of any progress or any reform that is absolutely necessary for the regeneration of our land? That is the question. All other things are minor ones. Therefore it has been our unhappy experience in this Council as it has been the experience of similar Councils and public bodies that the merit of the question does not impress upon them to the extent to which it does upon the community which takes up this question. We are gradually forming a nation or we are in the process of forming a nation and we hold that to form a nation it is essential that we should be educated and we should be taught to think problems nationally. Truly there will be differences of opinion but such differences of opinion will not be the result of embittered feeling resulting from iniquitous custom imposed upon unwilling and unfortunate section of the population. Now by getting

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rid of these inequalities the passions and feeling that rouse the animosities of our people will be rendered harmless and will be removed to a very great extent and every question shall be considered on the merits with certainly differences of opinion, but in a national spirit, in a spirit of advancing the welfare of the people. What that welfare of the people, what that advancement of the people, there may be differences of opinion; but surely this kind of communal tendency will not crop up. And the Legislature and the Government which do not render all help to remove such a poisonous stream that circulates through the body politic is guilty of the most grievous misdemeanour.

Now, Sir, it is very curious that in this South India the Brahmins who possess the cleverest brains and who have rendered yeomen service to nation building and to the public service, should be the very community who now takes up a hostile attitude. I believe that if they take this question, if they bring their minds to solve this question in a broad-minded spirit, no one is more competent to undertake this task than they are. As I said they are a very strong people, people imbibed with a national spirit and national impulse, men who have done yeomen service and who endeavoured to create a nation in South India, and they are the very people who are unfortunately undoing all the work that has been done in this country.

Mr. P. S. Kesavan Nambudiri.—Not all.

Dr. A. R. Menon.—Of course. Only generally speaking. And along with them the Nayars follow.

Mr. A. Sankara Menon.—Only some of them.

Dr. A. R. Menon.—Some of them if you like.

Therefore, I appeal to the section of conservatives—and we produce a larger section of conservatives in this matter—to consider this question from a national point of view and not from a narrow point of view of superstition and prejudice or what you are pleased to call from a religious point of view. I refuse to believe that a religion which has been able to withstand the invasions of Muhammadanism, Christianity and Budhism will able to live to this day if it contains all these venomous germs of this pernicious doctrine. (*Hear, hear,*) I hold it can only be an outgrowth, an undesirable outgrowth and it does not touch the core of the religion. If it has touched the core, this religion would have been extinct long long ago. Therefore when you are simply listening to this talk of Sastras and religion, for God's sake let us apply our common sense to the question. Let us ask, 'how by seeing a man, that wer are polluted' or let us ask, 'how by touching a person we are polluted'. There are certain persons whom if you touch you will be polluted, a leper for example. If you touch a Nambudiri leper or a Nayar leper or a Pulaya leper, surely he will pollute

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you. But the same parrot-cry that such and such a man born in such and such a place or born from such and such a mother should be a polluted creature is a problem too absurd for this 20th century for any one to argue, much less to defend. These are various reasons that have prompted us again to bring this matter to the notice of the Council and to get a record vote. I appeal to record it unanimously so that this may produce a beneficent effect in the solution of this problem that is facing us and it may render some help to the other parts of India which have taken up this problem so very seriously. National impulses are rising and this tide will break, by the flood, the dam you have put up by your conservatism and orthodoxy. If you do not open the dam with the rising flood then the dam will burst and with it the Hindu community will also burst.

Mr. Joseph Pettah.—Sir, my amendment is this: *Delete all the words after "all" in the third line and insert the following: "people in general, without distinction of any sort."* This is only to make the resolution more logical and comprehensive. The supporters of this resolution would very well agree that the exclusion of certain classes of the people to bathe in the tanks and so on was not based on any religious ground. I do not want to make a long speech on this motion. I think the mover himself will accept this amendment.

Mr. E. Ikkanda Warriar.—May I make a statement?

Deputy President.—There are two amendments.

Mr. K. Ayyappan.—I do not move my amendment in view of the fact that Mr. Pettah has moved his amendment.

Hence the following amendment was considered withdrawn.

Mr. K. Ayyappan.—*Omit 'so-called non-caste Hindus' and add in its place, 'other communities'.*

Deputy President.—Mr. Ayyappan has withdrawn his amendment and Mr. Pettah's amendment is not seconded. So no amendment is before the House.

Mr. George Chakyamuri.—I second Mr. Pettah's amendment.

Deputy President.—The Hon'ble Member seconded the amendment only after I have said that the amendment is lost. I cannot allow this sort of procedure.

Mr. George Chakyamuri.—May I explain the delay, Sir? Mr. Ayyappan said that he does not move the amendment because Mr. Pettah has moved this amendment.

Deputy President.—Mr. Ayyappan withdrew his amendment because Mr. Pettah has moved his amendment. No body has seconded the amendment of Mr. Pettah. So it cannot be allowed

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Mr. Joseph Pettah.—But may I know whether the Chair asked whether there was any body to second it?

Deputy President.—There is no necessity for the Chair to ask that question.

Mrs. Swaris.—I do not understand that amendment.

Deputy President.—There is no amendment before the House now.

മിസ്റ്റർ. കെ. അയ്യപ്പൻ.—മിസ്റ്റർ പെട്ടയുടെ അമൻഡ്മെന്റ് move ചെയ്തിട്ടുള്ളതുകൊണ്ടാണ് ഞങ്ങൾ പിൻവലിച്ചത്. അതുകൊണ്ട് അതിനെ തള്ളിക്കളയാതിരിപ്പാൻ അപേക്ഷ.

Deputy President.—Yes. But I have already said that I cannot allow it, since nobody seconded it. I do not want to create a bad precedent.

Mr. George Chakyamuri.—But he has said at the same time that Mr. Pettah has moved his amendment. It is only a slip and it may be condoned. We apologise for that mistake. Therefore I again request that the President may be pleased to reconsider his decision.

Deputy President.—All right. I allow the amendment this time. But this should not create a precedent.

Mr. George Chakyamuri.—Sir, I beg to second the amendment.

Mr. M. A. Chakko.—May I know what the amendment is?

Mr. E. Ikkanda Warriar.—Sir, in fact I thought over this question when I tabled my resolution. I was only afraid that by adopting that amendment I would be giving a show of reason to those who want to oppose the resolution. Now as matters stand they have absolutely no reason for denying these privileges to the non-caste Hindus because they also belong to the Hindu community and they are entitled to enjoy the rights and privileges which every other member of the same community is enjoying. I know that the amendment makes the resolution more logical. But it might be urged that because the Hindus have certain ceremonies to be performed in tanks it will not be proper to open them to non-caste Hindus. Similar objections may be brought forward. It was only to avoid this that I worded my resolution like this. I may say that I personally accept the amendment. But I think it is better under the circumstances to leave it to the sense of the House to accept it or not. I would request my Christian brethren and the members of other communities here not to think that I was actuated by any selfish motive. I thought half a loaf is better than none.

Deputy President.—You can incorporate this in your reply. This is not a statement.

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Mr .M. A. Chakko.—Does the mover accept the amendment ?

Mr. E. Ikkanda Warriar.—I do not accept it.

Mr. K. Achyuta Menon.—Sir, Government would like to point out or to make certain points clear before it places its views before the House on the resolution. For that purpose, I think, the resolution has to be divided into three parts, that is, the part which relates to roads, the part which relates to schools and the part which relates to wells and tanks.

With respect to roads, all that the Government has to say is that the question has come up for discussion in this House for many a time and the Government have repeatedly affirmed their agreement with the wishes of the Council in this matter. Now there are, I may assure the House, practically no roads maintained out of public funds which are not open to all classes and creeds.

Mr. K. Ayyappan —What about the Trippunittura Fort road ?

Mr. K. Achyuta Menon.—It is maintained out of Devaswam funds. I hope the House will rest satisfied with that statement of the Government.

Mr. E. Ikkanda Warriar.—They only say that there is 'practically no road.' So there may be some.

Mr. K. Achyuta Menon.—There is definitely no road. Absolutely none.

Mr. M. K. Raman.—What about the road in front of the Irinjalakkuda temple ?

Mr. M. D. Narayana Ayyar—It is not maintained by the P. W. D.

Mr. K. Ayyappan.—May I know whether the Devaswam roads can be used by the non-caste people? It may be used by the caste Hindus.

Deputy President.—That question does not arise.

Mr. K. Achyuta Menon.—The resolution is confined to roads maintained out of public funds. So Government have to confine their reply to roads maintained out of public funds. If there is any other controversy, Government would be glad to reply. But the resolution does not call for any other reply.

Mr. M. K. Raman.—But the latter part of the resolution wants to throw open all roads, etc., which are accessible to caste Hindus.

Mr. K. Achyuta Menon.—But the whole thing is qualified by the words ' public funds'. So the first part is gone.

Then with respect to schools. The matter was discussed, I believe yesterday, and Government made its position clear. I do not think Government is called upon to make any further statement. We had an elaborate discussion on that matter.

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Then the question is with respect to tanks and wells. I may, at the outset, say that there is a good deal of misconception with respect to that controversy. The Government has never identified itself either with orthodoxy or heterodoxy in this matter. It does not stand either for reaction or for vaulting progress. Its attitude towards this question is one which all Government ought to take. That is to say, it is in full sympathy with the motives of the Members who move the resolution. But it would like to point out that the resolution, as brought, is, upon theoretical as well as practical grounds, objectionable as a working proposition or as a practical proposition. The reformer's zeal is one thing and the practical statesmanship is another matter. On the one side there are those who say that these social inequalities ought not to be, that we have so far progressed, that with one stroke of the pen we should annihilate all these social distinctions. On the other hand there are those who say that these customs and habits are of age-long standing and that their true origins are but dimly perceivable through the mists of ages and that if you would talk of reasonableness you are to see not whether they are reasonable now but whether they were reasonable at the time of their inception. So the controversy stands between the two sarties. And the Government position is plain. It is this: I abide by the elementary principle of law-making, that is, that the law does not step in unless it is convinced that a certain change is imperatively demanded by the entire body of people or at any rate unless the Government is satisfied that there is a preponderatingly large majority in favour of the change. The accepted principle of all mandatory legislation is that there should be very little interference as far as possible in social, religious,or quasi-social or quasi-religious matters.

I will now quote the speech of an Hon'ble Member when the matter came up before this Council on a former occasion. The position that the Government should take has been very correctly put by the Hon'ble Member there. I will name him afterwards.

"I do not think it is a practical move because we are placing the Government in an awkward position."

Next the Hon'ble Member said that the time when we can hope to see that these things will vanish would be about 50 years hence. This was in 1104. Then he said, we are only beginning "to see the glimmering of the dawn of a new day, when we shall be able to face this question with less animosity, when we shall be able to understand and appreciate the reasons why such changes should be effected, for, by only bringing together the various component parts this world will ever remain with its liberty, its glory and its prestige."

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Now these quotations place in a very illuminating manner the tremendously difficult position of the Government in this matter. And the person who advocated these principles was the Member who gave the eloquent speech just before, that is, the Hcn'ble Member for Cheruviruthi.

Dr. A. R. Menon.—On a point of order, Sir. It is very unjust to pick out some sentences from here and there, without reading the whole proceedings.

Mr. K. Achyuta Menon.—The Hon'ble Members are at perfect liberty to read the luminous and voluminous speech of the Member which preceded the discussion on this matter. But I am concerned here only with the difficult position of the Government in this matter. The attitude of the Government should be one of strict neutrality as far as possible, consistent with public tranquillity and safety. As regards the change, unless a very strong reason is shown why change should be in the near future, I think the Government cannot legitimately be asked to step in this matter. Scriptures are quoted by either side and time alone will show which side is right. Unless the Government are convinced of the necessity and the expediency and the justifiability of interfering in these matters, they ought not to and cannot interfere. The Government's attitude, I wish to place before the Members in all seriousness, is one of absolute impartiality or neutrality in this matter. The Government have always been told that the sense of this House represents the public sense, or to put it another way, that the sense of the House is the barometer to know the public feeling. If that is so, the barometer of 1104 was definitely against this resolution with the result that the resolution was lost in the Council. Beyond that, Sir, the Government has nothing further to say.

Mr. M. D. Narayana Ayyar.—Sir, I have got only to add a few words to what the Hon'ble Law Member has stated. It is the policy of the Government to help the so-called Harijans.

Deputy President.—The resolution refers not the Harijans alone. It refers all castes of Hindus.

Mr. M. D. Narayana Ayyar.—I thought that the modern name Harijans represents all such castes.

It is the policy of the Government as far as possible to provide all the amenities mentioned in the resolution for the non-caste Hindus. Wherever tanks or wells are necessary for the exclusive use of that community, Government is spending money to provide them and so there may not be any difficulty about the availability of such things for them.

There is another point also against the opening of tanks and wells used by caste-Hindus for non-caste Hindus. Government should not coerce any body to use anything which is

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repugnant to them. For example, suppose a tank which is used by the caste-Hindus is opened by the Government for the non-caste Hindus. There may be some orthodox people who may take objection to that. That there are orthodox people should not be doubted. If there are orthodox men in a community, Government should not use coercion. If any locality is wanting in wells and tanks, Government is prepared to dig tanks and wells for the people.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the President in the Chair.

Mr. A. Sankara Poduval.—Sir, it is rather embarrassing to speak upon this resolution. This resolution has been more or less in the nature of an annual in this Council. So far as Government roads are concerned, all the roads have been thrown open already and with regard to schools the limitation obtains only in regard to very few institutions. Then we come to wells and tanks,—literally they lie open, but figuratively, the mover wants them to be thrown open to the non-caste Hindus also, and the amendment proposed is that they may be thrown open to all communities indiscriminately. Here I beg to differ from the Members who actively support this motion, for we are asked to tread upon dangerous grounds—upon religious grounds. This Council, I believe, is not the place to introduce reforms affecting religion, whether it be in the shape of resolutions or bills. The proposed reform vitally affects religious beliefs and faiths. In accepting a resolution requesting the Government that all wells and tanks should be thrown open to all communities indiscriminately the religious feelings of various classes of people would be offended, and I cannot agree with the Members who speak in support of this motion. In regard to the other matters my contention is that all that is possible to be achieved through the Council has already been achieved and this resolution is therefore superfluous. I may illustrate my point by telling a short story. A few years ago, on the Nilagri Line, I was in a train, running with an engine in the front and another at the back. Curiously enough a fellow-passenger was strutting up and down the compartment. I asked him why he was doing so. He replied that his father was dangerously ill and that he was in a hurry to reach his destination. Now the attempt here is just like that of the person who was running about the compartment. Government's sympathy is the front engine. There is public opinion at the back of these good intentions, of the Government, and that is the rear engine. If we, in the Legislative Council, run about the compartment we shall not serve any useful purpose. It seems to me that we must first of all educate public opinion and that we must for-

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mulate public opinion. We have a Government actively in sympathy with the progressive aspirations of the people. We in the Council are of course representing the people. Outside the Council we have to educate all classes of people before taking another forward step.

Mr. K. Ayyappan.—We are educated.

Mr. A. Sankara Poduval.—Now, an attempt to get a resolution like this passed in this Council, is proceeding in the wrong way. Instead of passing a resolution here, from which to start work we should proceed the other way. Let us educate the public. Let us see that Government feels the force of public opinion and that a further forward step is called for. Then, it will be time to bring a resolution or even a bill about it. I am in full sympathy with the removal of untouchability.

I believe, the purport of this amended resolution is not within the purview of the Council. I am for removing untouchability and its allied evils, root and branch, from this State, but I cannot support the amended resolution. In these circumstances I cannot remain neutral, and if the resolution be put to vote, I have to oppose it.

Mr. A. Sankara Menon.—Sir, I strongly support this resolution. (*Hear, hear*). I wish to emphasise only one point. I say the Government have all along expressed its mind when at Garden Parties and all those Government functions members belonging to the various communities are invited and asked to sit side by side and take part of the good things provided. When that is once done I think there is an end, so far as the Government is concerned, of the argument that the people are not fit for this change. I say that the Government cannot take shelter under the argument that the people are not fit for it. It is the duty of the Government to make the people fit for it. In my boyhood if a Nayar went and took food with an Ezhuva or with a Christian he is outcasted. He is out of the caste altogether. But that is not the position now. People belonging to one community go and openly dine with people belonging to the other community and when that is the case there is no reason for the Government's continuing this restriction. That is the principal reason why I am in favour of this resolution.

There is another important point in the resolution. The question is whether Government should spend its money to maintain wells and tanks and allow some classes alone to use them. If the Government is spending money for a certain public purpose why should not all the members of the public have access to it? The question is when the Government is spending public money for a certain thing why should the Government say that we will allow only a certain section of the public to use it. They should allow all the members of the public to use it if

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no valid reason can be found against it and the only reason that can be found against it is that the people are not fit for that. When the Government in their public functions openly allow the people to act in the way I mentioned, why should they put forward this reason in this Council when this question is moved again and again?

Mr. P. S. Kesavan Nambudiri.—In supporting this resolution, I fully agree with the Hon'ble Member for Trichur in saying that the Government is quite sympathetic with all classes of people. Then what we now do here is to request the Government to go a step further. *i. e.*, to translate their sympathy into action. We know how other States are taking religious and social problems into their hands and making progress in those lines in India. We find that Indian States like Kashmir, Sandur and Baroda have thrown open State temples there.

President.—We are not concerned with temples here.

Mr. P. S. Kesavan Nambudiri.—When we find that other States are going far more forward let us at least go a step further. Thus I am only comparing other States, how they have thrown open those places of worship, if I cannot use the word 'temple'.

President.—Please confine your remarks to the resolution.

Mr. P. S. Kesavan Nambudiri.—We also find in History that the rulers are taking leading part in the social and religious questions. Even in recent times we find in Turkey the Gosha system was abolished and so many other changes have been introduced. The Hon'ble Member for Trichur said that this involves a religious question also. Therefore, I referred to that also. Then, Sir, if it is possible for other States to take an initiative in this respect why not our State also come to the front? The Hon'ble Member for Law quoted an old speech of another brother Councillor. That itself shows how times have changed. Now that Hon'ble Member is also supporting this resolution. If I were in this Council a dozen years back perhaps I would have been the first to oppose this resolution. I know how times have been changing and it is all the more necessary that we should move with the times. Therefore we should accept the spirit of the resolution and I request the Government to take early steps in this matter.

Mr. P. Krishna Menon.—On a point of information, Sir. May I know how many wells and tanks maintained out of public funds are restricted for use of certain classes only? Is there any?

Mr. U. Kandar Menon.—There are some. We cannot fix the number just now.

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Mr. P. V. Raphael.—We have got under the Panchayats about 100 wells and about 30 tanks in the whole State, not thrown open to all.

Mr. M. A. Chakko.—Sir, the Hon'ble mover of this resolution has put forward his arguments very lucidly and convincingly too. Then about the amendment which was brought forward by the Hon'ble Member for Adur, he still doubts whether he should accept it or not. I may also refer to a portion of the speech made by the Hon'ble Member for Cheruviruthi. The ultimate object which every body has in mind about the passing of this resolution is what is called nationalism or something like that. We must be a nation and not individual communities or societies in order to go forward, to march with the times. I cannot understand, if we have nationalistic ideal, why the amendment that was brought forward by the Hon'ble Member for Adur could not be accepted so that the nation may be welded more firmly and more extensively and more universally together. So there is something lurking in the mind when we speak of our nationalism with our tongue in our cheek. Again the Member for Vadakkancheri just now asked a question, 'how many wells and tanks which are maintained or constructed with public funds still remained closed to the depressed classes.'

Mr. E. Ikkanda Warriar.—Sir, I have no objection to accept the amendment.

Mr. M. A. Chakko.—Then I beg to withdraw that portion.

What I was dwelling upon was, there is the enquiry as to how many public wells and tanks still remain closed to the non-caste Hindus. May I know if there are any privately owned wells or tanks of caste-Hindus remaining still closed for the non-caste people, while they could, by throwing them open to such neighbours of theirs, do a really philanthropic turn to their neighbours? I see when I move about in this country, that there are many wells and tanks remaining closed which could serve people who are their neighbours, if they could be admitted into their courtyard to draw water from these wells or tanks. I see many of the depressed class people having their ablutions in very dirty water and stagnant pools, very insanitary places, while privately owned tanks with good water are available at hand. If only these gentlemen, these well-intentioned people would throw open such water reservoirs for the benefit of their brethren about whom they have very good thought but very little action! I should think the Government would be wise—at least the Government would not be doing a harm—in following an example rather than setting an example. For the Gov-

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ernment to set an example for the people to follow is a very dangerous proposition. I look at from a different angle of vision. The Government should not have any objection in following an example. It is not right on our part to ask the Government to set an example. Therefore I should think that those who can afford and those who are in the forefront, e.g., the Wariam and the Paliam people, should throw open tanks and wells which would serve the poor people who would be very well benefitted. It is for them to come forward and set an example for the Government and the people to follow. I think this House also should not forget the circumstance that there is a considerable body of people who have still doubts about treating their brethren as brothers should be treated. Therefore I cannot wholeheartedly support this resolution. But since it is put forward simply to show the aspirations of the body assembled here, I think I shall support the resolution.

Mr. A. Eachara Menon.—Sir, the resolution is that all humanity should be allowed to use the wells and tanks maintained by the Government. What is the objection? The objection is that certain people think it should not be done because of their sentiment. Is it not time to crush that sentiment? What I want the Members of this House to understand is that we should not lead a double life. It is not enough that they make speeches on the floor of this House and do other things. For instance, the Hon'ble Member who brought forward the amendment, objected to all classes of people being taken into the schools recognised by the Government. If students of all classes and communities should not be taken into the school recognised by the Government, how can this Hon'ble Member come in and tell the House that wells and tanks established by the Government should be thrown open to all of the subjects?

Mr. Joseph Pettah.—Sir, these tanks and wells are maintained by Government money, whereas in the other case Government give only recognition.

Mr. A. Eachara Menon.—What I propose is, people who are speaking on the floor of this House should see that their speech is put into practice.

മിസ്റ്റർ. കെ. അയ്യപ്പൻ.— ഒന്നരണ്ടു സംഗതിയെ ഇവിടെ പറവാനുള്ളൂ. ഗവർമ്മെണ്ടു ഈ നിയമനിർമ്മാണത്തെക്കുറിച്ചു ഒരു തത്വം ഇവിടെ പറയുകയുണ്ടായി. എല്ലാവരും സമ്മതിച്ചേ ഒരു രാജ്യത്തു ഒരു നിയമനിർമ്മാണം പാടുള്ളുവത്രെ. അതു ഒരു രാജ്യത്തും സാധിയ്ക്കയില്ല. ഗവർമ്മെണ്ടു ഈ വക കാര്യത്തിൽ ഈ നിലയെടുക്കുന്നതു് അപകടകരമാണു്. രാജ്യത്തു് അതാവശ്യങ്ങളായ പരിഷ്കാരങ്ങൾ വരുത്തുന്നതിനുള്ള അവസരം വരുമ്പോൾ

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അധികാരം കയ്യിലിരിക്കുന്നവർ അതിനെ തടയുകയാണെങ്കിൽ പരിഷ്കാരം പിന്നെ വിപ്ലവം ആയുധമായെടുക്കുന്നു. അതുകൊണ്ടു ആവശ്യമായ പരിഷ്കാരങ്ങൾ തടയുന്നവർ രാജ്യത്തു വിപ്ലവം ക്ഷണിച്ചുവരുത്തുന്നവരാണു്. അങ്ങിനെയുള്ളവരാകരുതെന്നു് ഗവമ്മെൻറു മെമ്പർമാരോടു് ഞാൻ അപേക്ഷിക്കുന്നു. ഗവമ്മെൻറു മെമ്പർമാർ ഈ വക കായ്ങ്ങൾക്കു് അനുകൂലികളായാൽ ഗവമ്മെൻറും അനുകൂലമാണെന്നു വരുന്നതാണു്. ഈ വക കായ്ങ്ങളിൽ സ്വന്തം നിലയിൽ ഒരു അഭിപ്രായവും, ഗവമ്മെൻറിനു വേണ്ടി ഒരു അഭിപ്രായവും എടുക്കേണ്ട ആവശ്യം അവക്കുണ്ടെന്നുതോന്നുന്നില്ല.

ജനങ്ങളെ എഡ്യൂക്കേറ്റു് ചെയ്യണമെന്നാണു് ഒരു മെമ്പർ പറഞ്ഞതു്. ഞാൻ ഈ വാദം കേൾക്കാൻ തുടങ്ങിയിട്ടു് ഇരുപതു കൊല്ലത്തോളമായി. ഈ വക വാദങ്ങൾ കേട്ടു് രാജ്യത്തെ അത്യാവശ്യം ഇനി ക്ഷമിച്ചുനില്ക്കുവാൻ പാടില്ല. തുച്ഛമായ പരിഷ്കാരത്തെപോലും തടയുന്നു എന്ന ദുഷ്പേരു് ഗവമ്മെൻറിനും മഹാരാജാവിനും വരാതിരിക്കണമെങ്കിൽ ഗവമ്മെൻറു് മെമ്പർമാർ ഈ നിശ്ചയത്തിനു് അനുകൂലിച്ചു വോട്ടുചെയ്യേണ്ടതാണു്.

ഇപ്പോൾ ഈ നിശ്ചയത്തെ അനുകൂലിച്ചു ശക്തിയായി സംസാരിച്ചു പെരുമാറിയ മെമ്പർ മുമ്പു് ഒരിക്കൽ ഇതിനെ എതിർത്തിട്ടുള്ളതു് ലാമെമ്പർ എടുത്തു വായിക്കയുണ്ടായി. അതു് നിശ്ചയത്തിനു് അനുകൂലമായ ഒരു തെളിവാണു്. കുറെ മുമ്പു് എതിർത്ത ആൾതന്നെ ഇപ്പോൾ താങ്ങുന്നു. അതിന്റെ അർത്ഥം ഈ രാജ്യത്തു് ഈ വിഷയത്തിൽ വലിയ മാറ്റം വന്നിട്ടുണ്ടെന്നാണു്. പരിഷ്കാരത്തിനു് സ്വതെ വിരോധികളും ജനങ്ങളും നന്നാകുന്നതുകണ്ടു സഹിക്കാൻ സാധിക്കാത്തവരും മാത്രമെ ഇനി ഈ പരിഷ്കാരത്തെ എതിർക്കയുള്ളു. ആരെതിർത്താലും ഈവക പരിഷ്കാരങ്ങളെ ഇനി തടഞ്ഞുനിറുത്തുവാൻ സാധിക്കയില്ല. തടഞ്ഞാൽ ദുഷ്പേരു സമ്പാദിക്കുമെന്നല്ലാതെ മറെറാരു പ്രയോജനവും ഇല്ല. നമ്മളം ബുദ്ധിയുള്ളവരാണെങ്കിൽ ഈ ഒഴുക്കിനു് അനുകൂലമായി വഞ്ചിവച്ചു മുന്നോട്ടുപോകണം.

Mrs. Swaris.—Sir, I have been driven to this painful necessity of speaking a few words. More because this afternoon the Hon'ble mover levelled against me a so-called crime of being unsympathetic with the depressed classes. I think it is because I was most sympathetic with the depressed classes that I had, yesterday, to oppose the resolution of throwing open hotels and restaurants to the depressed classes, because the Hon'ble Member representing the depressed classes himself said,

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that when he went to a certain coffee club, the shop owner went against him and his companion with club in his hand and asked them to get away. Therefore I said it is a very dangerous step. We can do this slowly. We should not make such a sort of agitation just now. It is on account of that, that I took pity on these poor people and I preached non-violence. 'Let us not rush,' said I, 'everything will go well in due time'. I am also very sympathetic with the martyr who is going to die for the depressed classes. He is sacrificing his life for these poor people. But I do not wish to die, but to live to see that the depressed classes will see good days and all sorts of woes, oppression, suppression, repression and world-wide depression will have an end, that I may die in peace. I had no other intention when I said that many a Mahatma made the caste rules and one Mahatma is now dissolving it, and another greater Mahatma might come and reverse it. It might be a prophecy that came out of my mouth unwittingly.

Mr. E. Ikkanda Warriar.—It was far from my mind to say that you had any bad intention when you said that.

Mrs. Swaris.—I know you are a good man and well-intentioned. But another Hon'ble Member hinted indirectly that those who opposed the above mentioned resolution are not civilised internally and so forth. But I say he is not educated because he said this. Education is one thing and instruction is another thing. Education ceases to deserve the name if heart and mind are not simultaneously trained to habits of virtue and self-control in public. There is a Legislator above who can see the hearts of men. Let Him deal with them and dispose of these resolutions. The Hon'ble Member for Kunnamkulam who is a philanthropist said, yesterday, that several doctors including our Chief Medical and Sanitary Officer failed to find out the cause of certain extraordinary disease in Kunnamkulam and the patients died without any relief from the doctors. If the Hon'ble Member had taken me there I would have tried to find out the cause of the disease. It must be due to bad drinking water. But now since a separate Sanitary Department has been instituted they will prevent the contamination of drinking water by the ignorant mass.

On one occasion a patient who was dying was pulled out of the jaws of death by me with mere rubbing of Amrithanjan and a short prayer which was the magic wand. The doctor who was treating him expressed surprise at it after his recovery. I

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do not wish to mention his name. He is one of those that could not diagnose the above disease.

I, however, support this resolution whole heartedly.

Mr. K. Achyuta Menon.—Sir, may I make an explanation? I never referred to the speech of the Hon'ble Member for Cheruviruthi to illustrate that his views have undergone a transformation. But I simply pointed out that he then clearly expressed the position that the Government should take in a matter like this. We cannot force a social reform by a stroke of the pen.

Mr. E. Ikkanda Warriar.—Sir, I won't take up much time for my reply. As regards the quotations of the Hon'ble the Law Member I wish to say only one thing. It reminded me of the Diehard-Press in England quoting Mahatmaji's sentences to prove that India is unfit for Swaraj.

The Hon'ble Member for Engineering said that the Government would supply any number of tanks and wells for depressed classes. I will not be satisfied with that. It will be only perpetuating the differences that exist now. What the resolution really wants is to unite the people. So any number of tanks given separately for each community will not be sufficient to satisfy the needs of the nation.

Another point was that it is repugnant to the feeling of some of the members of the orthodox section. I would respectfully ask the Hon'ble Member when these state of affairs are repugnant to the universally accepted principles of morality, which he will prefer? Will he prefer the sentiments of a small section of the people to the fundamental principles of morality? In the same strain I ask the Hon'ble the Law Member who said that there are Sastras to support this custom.

Mr. K. Achyuta Menon.—I did not say that there are Sastras. I said that both sides were saying that there were Sastras in support of their respective positions.

Mr. E. Ikkanda Warriar.—Sir, I may at once say to the Hon'ble the Law Member that these scriptures and Sastras are meant to sustain the first principles of morality and not to supercede them. When we find that the Sastras are superceding the first principles of morality it is our duty to attack it from all points, and get it changed. And after all the nation or Hinduism are not going to dogs on account of that. It has survived a good many invasions and as many changes. One of the

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fundamental beauty of our nation is its adaptability. I do not propose to say more. I respectfully request all the members to give their unanimous support to this resolution.

Amendment put and carried.

Resolution, as amended, also put and carried.

Dr. A. R. Menon.—A poll, Sir.

The House divided—Ayes 17 and Noes 15

	Ayes.		Noes.
1	Mr. K. Ayyappan	1	Mr. K. Achyuta Menon
2	,, M. A. Chakko	2	,, M. P. Cherian
3	,, George Chakyamuri	3	,, U. Kandar Menon
4	Dr. A. G. Menon	4	,, P. Krishna Menon
5	Mr. Joseph Pettah	5	,, M. Krishna Menon
6	,, P. S. Kesavan Nambudiri	6	,, C. J. Mathew
7	,, T. K. Nayar	7	,, M. D. Narayana Ayyar
8	,, P. Kumaran Ezhuthassan	8	,, T. Narayana Menon
9	,, S. S. Koder	9	,, P. Nilakanta Menon
10	,, A. I. Mani	10	Dr D Raghavendra Rao
11	,, Paul Mampilli	11	Rama Varmha Tampuran
12	,, P. Raman Menon	12	Mr. T. A. Ramachandra Ayyar
13	,, M. K. Raman	13	,, P. V. Raphael
14	Dr. A. R. Menon	14	,, A. Sankara Poduval
15	Mr. A. Sankara Menon	15	,, P. V. Subramania Ayyar
16	Mrs. Swaris		
17	Mr. K. P. Vallon		

3. Charge-sheeting cases of ill-treatment of Harijans.

Mr. M. K. Raman.—I beg leave to move the following Resolution :—"This Council recommends to the Government to issue orders to the police officers who are entitled to charge-sheet cases that any case of ill-treatment of or insult to the Harijans in the State by other caste-men, found to be true on investigation, be forthwith charge-sheeted, irrespective of the fact that such offences are cognisable or not, obtaining wherever necessary the sanction of the Magistrate as provided by the law".

I shall just explain my resolution because there are some technicalities in it. According to the existing law, the police officers are allowed to charge-sheet only certain classes of offences. They are known as cognisable offences, such as, murder, theft, etc. In the case of such offences the police officers have *Suo moto* the right to charge-sheet cases; but there are some other offences such as assault, simple hurt, etc., which the police officers are not entitled to charge-sheet. They have to take the permission of the Magistrate if they are to charge such cases. They have also to obtain warrant from the Magistrates for the arrest of such offenders. The party aggrieved has therefore to go to the court direct and not to the Police. In the case of the depressed classes people also when a person,

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